



August 16, 2023

VIA ECF

The Honorable Sarah Netburn
S.D.N.Y. Thurgood Marshall Courthouse
New York, NY 10007

Re: *Lynne Freeman v. Tracy Deeks-Elkenaney et. al.*, 1:22 Civ 02435 (LLS)(SN)

Dear Judge Netburn:

The parties write jointly to thank the Court for issuing its recent Scheduling Order (ECF No. 258) and to respectfully request clarification on one issue and modification on another.

First, the parties jointly request clarification as to the timing for remaining expert discovery on damages. At the July 25 conference, the parties and Court appeared to agree that remaining expert discovery as to damages should be deferred *sine die* until after Your Honor rules on the parties' summary judgment motions. The parties request that the Court expressly adopt that agreement.

Second, Plaintiff requests that in lieu of filing two separate summary judgment motions, she be permitted to file a single summary judgment motion against all Defendants on her copyright claims, with the supporting brief not exceeding 30 pages. Plaintiff does not anticipate seeking summary judgment against the Prospect Defendants on her state-law claims and believes that it would be more efficient to address the copyright claims collectively. Defendants do not object to Plaintiff's request provided that it does not affect the procedure for their own motions/briefing, but reserve the right to seek a similar modification after having reviewed Plaintiff's motion.

The parties have provided a proposed Amended Scheduling Order (and redline) reflecting the above, and respectfully request that the Court adopt it.

Thank you for your time and attention to these issues.

Respectfully submitted,

COWAN, DEBAETS, ABRAHAMS &
SHEPPARD LLP

By: /s/ Benjamin S. Halperin

Nancy E. Wolff
Benjamin H. Halperin
CeCe M. Cole
41 Madison Avenue, 38th Floor
New York, New York 10010
Tel: (212) 974-7474
Fax: (212) 974-8474
nwolff@cdas.com

Cowan, DeBaets, Abrahams & Sheppard LLP

41 Madison Avenue
38th Floor
New York, NY 10010

9454 Wilshire Blvd
Suite 901
Beverly Hills, CA 90212

cdas.com

bhalperin@cdas.com
ccole@cdas.com

Attorneys for Defendants Tracy Deebs-Elkenaney p/k/a Tracy Wolff, Entangled Publishing, LLC, Holtzbrinck Publishers, LLC d/b/a Macmillan, and Universal City Studios LLC

Lacy H. Koonce, III
KLARIS LAW PLLC
29 Little West 12th Street
New York, NY 10014
Phone: (917) 612-5861

lance.koonce@klarislaw.com

Attorneys for Emily Sylvan Kim and Prospect Agency, LLC

Stephen M. Doniger (SBN 179314)
stephen@donigerlawfirm.com
DONIGER / BURROUGHS
603 Rose Avenue
Venice, California 90291
Telephone: (310) 590-1820
Counsel for Plaintiff Lynne Freeman